

REMARKS

With entry of this amendment, claims 64-66, 114-117, 121-122 and 125 are pending. Nonelected claims have been canceled. The claims have been amended to overcome objections and rejections under 35 USC § 112, second paragraph, and to correct grammatical errors. Support for the amended claims can be found in the originally filed claims and throughout the specification. No new matter has been added.

The Examiner objected to claims 64-65 because of the improper use of "Seq. ID No." The claims have been amended and are believed to be acceptable. The Examiner also objected to claims 115-116, indicating that the term "host" should be inserted before "cell". Without conceding the correctness of the Examiner's position, the claims have been so amended in order to advance prosecution. Withdrawal of the claim objections is respectfully requested.

The Examiner objected to the specification at pages 6-17 because of the reference to claim numbers. The Examiner did not find deletion of the term "claim" in applicants prior amendment to be sufficient to overcome this objection. Applicants respectfully disagree. However, in order to advance prosecution, the specification has been further amended to delete the numbers. Reconsideration and withdrawal of the objection is respectfully requested.

Claims 66, 114-117, 121-122 and 125 have been rejected under 35 USC § 112, second paragraph, as being indefinite. The Examiner believes the use of the term "using" is improper and that the term "washing" is redundant. Without conceding the correctness of the Examiner's position, claim 66 has been amended in order to advance prosecution. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 64-66, 114-117, 121-122 and 125 stand rejected under 35 USC § 112, first paragraph, as not being enabled. The Examiner maintains that the specification, while being enabling for the isolated DNA of SEQ ID NO:1 encoding a protein that confers tolerance against salt stress, a vector and a transgenic plant comprising said DNA, and a method of transforming plant/plant cell with said vector, does not reasonable provide enablement for the isolated DNA of SEQ ID NO:39 or a part thereof and hybridizing DNA sequences thereof, a DNA encoding SEQ ID NO: 40 or a modified protein thereof having the activity of improving salt stress tolerance, a

vector, transgenic plant/plant cell comprising said DNA, and a method of transforming a host cell with said vector. Without conceding the correctness of the Examiner's position, claim 64 has been amended to be limited to isolated DNA encoding a protein comprising the sequence set forth in SEQ ID NO:40. It is respectfully submitted that persons of skill in the art will be able to practice the invention as now claimed in Claim 64 and claims dependent thereon, and that claims 64-66, 114-117, 121-122 and 125 are enabled. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 64-66, 114-117, 121-122 and 125 remain rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. The Examiner continues to believe that the DNA as broadly claimed has not been sufficiently described, nor a representative number of examples provided. As noted above, claim 64 has been amended to be limited to isolated DNA encoding a protein comprising the sequence set forth in SEQ ID NO:40. It is respectfully submitted that the invention as currently claimed meets the written description requirements. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 64-66, 114-117, 121-122 and 125 stand rejected under 35 USC §102/103 as being anticipated by or obvious over Sheveleva *et al.* This rejection is traversed for the following reasons.

Sheveleva *et al.* do not disclose or suggest the isolated DNA as presently recited in claims 64-66 nor the vector, host cell, method and plant recited in claims dependent thereon. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 64-66, 114-117, 121-122 and 125 stand rejected under 35 USC §102/103 as being anticipated by or obvious over Xu *et al.* This rejection is traversed for the following reasons.

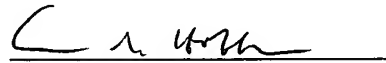
Xu *et al.* do not disclose or suggest the isolated DNA as presently recited in claims 64-66 nor the vector, host cell, method and plant recited in claims dependent thereon. Reconsideration and withdrawal of the rejection are respectfully requested.

Application No. 10/031,331
Applicants: Akioy YAMADA *et al.*

All objections and rejections having been addressed, it is respectfully submitted that the application is in condition for allowance, and Notice to that effect is respectfully requested. If the Examiner believes that prosecution would be expedited by a telephonic interview, a telephone call to the undersigned would be greatly appreciated.

Respectfully submitted,

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